

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**In Re: DAVID M. SKUTNIK and
MISTI M. SKUTNIK**

**CHAPTER 13
NO: 20-10478 JDW**

**NOTICE OF FILING CHAPTER 13 PLAN AND
MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

☐ Check if this is an amended notice.

The above-named Debtors have filed a *Chapter 13 Plan and Motions for Valuation and Lien Avoidance* (the “Plan”) with the Bankruptcy Court in the above-referenced case (see attachment).

Any objection to confirmation of the Plan or the Motions contained therein shall be filed in writing with the Clerk of Court at 703 Hwy. 145 North, Aberdeen, MS 39730 on or before April 1, 2020. Copies of the objection must be served on the Trustee, US Trustee, Debtor and Attorney for Debtor.

Objections to confirmation will be heard and confirmation determined on April 14, 2020 at 1:30 p.m., Oxford Federal Building, 911 Jackson Avenue, Oxford, MS 38655, unless the court orders otherwise. If no objection is timely filed, the Plan may be confirmed without a hearing.

/s/ Robert Gambrell
Robert Gambrell, Atty for Debtors,
MS Bar #4409
GAMBRELL & ASSOCIATES, PLLC
101 Ricky D. Britt Blvd., Ste. 3
Oxford, MS 38655
Ph: (662)281-8800 / Fax: (662)202-1004
rg@ms-bankruptcy.com

Dated: 03/02/2020

CERTIFICATE OF SERVICE OF NOTICE OF FILING
CHAPTER 13 PLAN AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

I, ROBERT GAMBRELL, Attorney for the above listed Debtors, do hereby certify that the following have been served electronically via ECF with a copy of this Notice of Filing Chapter 13 Plan and Motions for Valuation and Lien Avoidance along with a copy of the Chapter 13 Plan to:

David W. Asbach, Acting U. S. Trustee
Locke D. Barkley, Chapter 13 Trustee
and to all parties that have entered an appearance requesting service via ECF

I, further certify that I have this date mailed postage prepaid, a true and correct copy of said Chapter 13 Plan to all creditors shown on the master address list attached hereto.

I, further certify that Capital One, N.A. dba Capital One Auto Finance was mailed by certified mail a copy of said Chapter 13 Plan and Motions for Valuation and Lien Avoidance to:

Capital One, N.A.
Attn: Richard D. Fairbank, CEO
1680 Capital One Drive
McLean, VA 22102-3491

This the 2nd day of March, 2020.

BY: /s/ Robert Gambrell
ROBERT GAMBRELL

Fill in this information to identify your case:

Debtor 1 **David M Skutnik**
Full Name (First, Middle, Last)

Debtor 2 **Misti M Skutnik**
(Spouse, if filing) Full Name (First, Middle, Last)

United States Bankruptcy Court for the **NORTHERN DISTRICT OF MISSISSIPPI**

Case number: **20-10478**
(If known)

☐ Check if this is an amended plan, and list below the sections of the plan that have been changed.

Chapter 13 Plan and Motions for Valuation and Lien Avoidance

12/17

Part 1: Notices

To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable. The treatment of ALL secured and priority debts must be provided for in this plan.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I). The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015.

The plan does not allow claims. Creditors must file a proof of claim to be paid under any plan that may be confirmed.

The following matters may be of particular importance. Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included

Part 2: Plan Payments and Length of Plan

2.1 Length of Plan.

The plan period shall be for a period of **54** months, not to be less than 36 months or less than 60 months for above median income debtor(s). If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Debtor(s) will make payments to the trustee as follows:

Debtors will pay **\$864.50** (☒ monthly, ☐ semi-monthly, ☐ weekly, or ☐ bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the court, an Order directing payment shall be issued to the debtor's employer at the following address:

DIRECT PAY

2.3 Income tax returns/refunds.

Check all that apply

- ☒ Debtor(s) will retain any exempt income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all non-exempt income tax refunds received during the plan term.
- ☐ Debtor(s) will treat income refunds as follows:

Debtor **David M Skutnik**
Misti M Skutnik

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2.4 Additional payments.

Check one.



None. If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

Part 3: Treatment of Secured Claims

3.1 Mortgages. (Except mortgages to be crammed down under 11 U.S.C. § 1322(c)(2) and identified in § 3.2 herein.).

Check all that apply.



None. If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

Insert additional claims as needed.

3.2 Motion for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one..



None. If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.



Pursuant to Bankruptcy Rule 3012, for purposes of 11 U.S.C. § 506(a) and § 1325(a)(5) and for purposes of determination of the amounts to be distributed to holders of secured claims, debtor(s) hereby move(s) the court to value the collateral described below at the lesser of any value set forth below or any value set forth in the proof of claim. Any objection to valuation shall be filed on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I).

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

Name of creditor	Estimated amount of creditor's total claim #	Collateral	Value of collateral	Amount of secured claim	Interest rate*
Capital One Auto Finance	\$13,946.00	2013 BMW 328i	\$9,495.00	\$9,495.00	6.75%

Insert additional claims as needed.

#For mobile homes and real estate identified in § 3.2: Special Claim for taxes/insurance:

Name of creditor	Collateral	Amount per month	Beginning
-NONE-			month

* Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District

For vehicles identified in § 3.2: The current mileage is **BMW: over 94,000 miles**

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.



None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.



The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling.

Name of Creditor	Collateral	Amount of claim	Interest rate*
Capital One Auto Finance	2015 Toyota Tundra: with over 92,000 miles	\$25,425.00	6.75%

*Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District.

Insert additional claims as needed.

3.4 Motion to avoid lien pursuant to 11 U.S.C. § 522.

Check one.



None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

Debtor **David M Skutnik**
Misti M Skutnik

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3.5 Surrender of collateral.

Check one.

☐

None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

☒

The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of Creditor	Collateral
Oxford University Bank	141 Lakes Dr. S., Oxford, MS together with a 4 bedroom home and out building

Insert additional claims as needed.

Part 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may change during the course of the case.

4.3 Attorney's fees.

☒ No look fee: **3,600.00**

Total attorney fee charged: **\$3,600.00**

Attorney fee previously paid: **\$ 790.00**

Attorney fee to be paid in plan per confirmation order: **\$2,810.00**

☐ Hourly fee: \$____. (Subject to approval of Fee Application.)

4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.

☒

None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

4.5 Domestic support obligations.

☒

None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

☐

The sum of \$

☒

0.00 % of the total amount of these claims, an estimated payment of \$ **0.00**

☐

The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately **\$0.00**

Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

5.2 Other separately classified nonpriority unsecured claims (special claimants). Check one.

☒

None. If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

Debtor

David M Skutnik
Misti M Skutnik

Case number

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Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. *Check one.*



None. *If "None" is checked, the rest of § 6.1 need not be completed or reproduced.*

Part 7: Vesting of Property of the Estate

7.1 Property of the estate will vest in the debtor(s) upon entry of discharge.

Part 8: Nonstandard Plan Provisions

8.1 Check "None" or List Nonstandard Plan Provisions



None. *If "None" is checked, the rest of Part 8 need not be completed or reproduced.*

Part 9: Signatures:

9.1 Signatures of Debtor(s) and Debtor(s)' Attorney

The Debtor(s) and attorney for the Debtor(s), if any, must sign below. If the Debtor(s) do not have an attorney, the Debtor(s) must provide their complete address and telephone number.

X /s/ David M Skutnik

David M Skutnik

Signature of Debtor 1

Executed on February 20, 2020

141 Lakes Dr. S.

Address

Oxford MS 38655-0000

City, State, and Zip Code

Telephone Number

X /s/ Misti M Skutnik

Misti M Skutnik

Signature of Debtor 2

Executed on February 20, 2020

141 Lakes Dr. S.

Address

Oxford MS 38655-0000

City, State, and Zip Code

Telephone Number

X /s/ Robert Gambrell

Robert Gambrell 4409

Signature of Attorney for Debtor(s)

101 Ricky D Britt Sr Blvd, Ste 3

Oxford, MS 38655-4236

Address, City, State, and Zip Code

662-281-8800

Telephone Number

rg@ms-bankruptcy.com

Email Address

Date February 20, 2020

4409 MS

MS Bar Number

Label Matrix for local noticing
0537-1
Case 20-10478-JDW
Northern District of Mississippi
Aberdeen
Mon Mar 2 07:07:23 CST 2020

Ally Financial
P.O. Box 380901
Bloomington, MN 55438-0901

Barclays Bank Delaware
P.O. Box 13337
Philadelphia, PA 19101-3337

C Spire Wireless
P.O. Box 159
Meadville, MS 39653-0159

CACH, LLC
6300 S Syracuse Way
Suite 300
Englewood, CO 80111-6723

CW Nexus Credit Card Holdings, LLC
101 Crossways Park Dr W
Holdings I, LLC
Woodbury, NY 11797-2020

Capital One Auto Finance
PO Box 259407
Plano, TX 75025-9407

Capital One Auto Finance, a division of
AIS Portfolio Services, LP
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118-7901

Capital One Bank
P.O. Box 30281
Salt Lake City, UT 84130-0281

Comenity Bank - Ulta
P.O. Box 182120
Columbus, OH 43218-2120

Credit One Bank
P.O. Box 60500
City Of Industry, CA 91716-0500

First National Credit Card
P.O. Box 5097
Sioux Falls, SD 57117-5097

First Savings Bank - Blaze
P.O. Box 596
Sioux Falls, SD 57101-0596

Indigo - Celtic Bank
P.O. Box 4499
Beaverton, OR 97076-4499

Jones & Schneller, PLLC
126 North Spring Street
Holly Springs, MS 38635-2310

Merrick Bank
PO Box 9201
Old Bethpage, NY 11804-9001

Midland Credit Management
2365 Northside Dr.
Ste. 300
San Diego, CA 92108-2709

Midland Funding, LLC
2365 Northside Dr.
Ste. 300
San Diego, CA 92108-2709

(p)MISSION LANE LLC
PO BOX 105286
ATLANTA GA 30348-5286

OneMain
PO Box 3251
Evansville, IN 47731-3251

Oxford University Bank
2301 West Jackson Ave
Oxford, MS 38655-5417

PANOLA MEDICAL CENTER
PO BOX 5067
KINGSPORT, TN 37663-0067

Panola Medical Center
P.O. Box 5067
Kingsport, TN 37663-0067

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Portfolio Recovery Associates, LLC
Dept 992
PO Box 4115
Concord, CA 94524-4115

Professional Therapy Services
P. O. Box 2273
Ridgeland, MS 39158-2273

Rausch, Sturm, Israel, Enerson, & Hornik
P.O. Box 312277
Enterprise, AL 36331-2277

Resurgent Capital Services
PO Box 1269
Greenville, SC 29602-1269

Smith Rouchon & Associates
1456 Ellis Ave.
Jackson, MS 39204-2204

TBOM/Fortiva
P.O. Box 105555
Atlanta, GA 30348-5555

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Mission Lane Tab Bank	Portfolio Recovery Associates
101 2nd St., Suite 350	P.O. Box 41067
San Francisco, CA 94105	Norfolk, VA 23541-1067

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Capital One Auto Finance, a division of AIS Portfolio Services, LP 4515 N Santa Fe Ave. Dept. APS Oklahoma City, OK 73118-7901	(d)Capital One Bank P.O. Box 30281 Salt Lake City, UT 84130-0281	(d)Midland Credit Management, Inc. 2365 Northside Drive, Ste 300 San Diego, CA 92108-2709
(d)Onemain PO Box 3251 Evansville, IN 47731-3251	End of Label Matrix Mailable recipients 31 Bypassed recipients 4 Total 35	